

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:21-cr-
)	
)	
NICHOLAS PETTIS)	

PROSECUTION VERSION OF THE OFFENSE

From about September 30, 2017, and continuing about June 25, 2020 in the District of Maine, defendant Nicholas Pettis knowingly possessed cellular telephones and digital storage devices that contained video files and images of child pornography as defined in Title 18, United States Code, Section 2256(8)(A). These images had been shipped and transported in interstate and foreign commerce and were produced using materials that had been shipped and transported in interstate in foreign commerce.

Specifically, Pettis used cell phones and other computing devices to search for and download images and videos of child pornography over the internet. Among other activities, Pettis joined on-line chat groups dedicated to trading child pornography. Pettis used these sites to obtain child pornography images and videos, and he maintained child pornography image and video files to post to the chat sites, because the sites required such posting to gain access.

The child pornography files Pettis received and maintained were produced outside the State of Maine and came to his possession via the internet. Moreover, these child pornography files were produced using materials that had traveled in interstate and foreign commerce, to include the cellular telephones and digital storage devices onto which Pettis placed the files and where he viewed and maintained them.

Many of the files Pettis possessed depicted prepubescent children under the age of 12. Some of these files were videos showing sadism and the sexual exploitation of toddler-aged children by adult males.

One such video, with filename “video 2-06-17 18 17 16.mp4” showed an adult male vaginally penetrating the vulva of a girl 2 to 4 years old. There is audio with the file and the girl can be heard whimpering and crying as she is assaulted. This file was in user accessible space on a phone possessed by Pettis on June 25, 2020, with a file “created” date of September 30, 2017. The same video was also found on a different phone in Pettis’s possession, with a file “created” date of December 22, 2018. Pettis admitted to law enforcement that the phones were his and that he had used them to receive and view child pornography. In addition, the phones contained other information, including emails, indicating that Pettis was and had been the user of the phones.

If this case were to proceed to trial, the government would produce law enforcement testimony concerning the seizure of the electronic devices from Pettis’s home. The government would also produce testimony concerning Pettis’s admissions that he owned the devices and purposefully sought out child pornography files on chat groups. The government would further produce recordings of the same admissions.

The government would also produce the cellular telephones and digital storage devices containing child pornography, and well as present the files themselves in viewable form. The government would further present expert and lay testimony concerning the place of manufacture of the defendant’s devices outside the United States, as well as law enforcement testimony concerning the identity of some of the depicted individuals as actual children living outside the

State of Maine when the images and videos were produced. It would also produce testimony concerning the functionality of the chat rooms used by Pettis, specifically how they use interstate wire transmissions to communicate information over the internet. In addition, the government would produce expert testimony relating the “created” date associated with a file to the date the file was produced on or copied to a given device.

Dated this 31st day of March 2021

Respectfully submitted,

DONALD E. CLARK
Acting United States Attorney

/s/ Chris Ruge

Chris Ruge

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2021 I filed the foregoing document by electronic mail and provided a copy by electronic mail to the following defense counsel:

David Bate, Esq..

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/s/ Chris Ruge

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